LAWS AFFECTING CHILDREN:
A GUIDE TO THE RHODE ISLAND PUBLIC LAWS

2006

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PREFACE

This publication is designed to provide easy reference to important new laws impacting children in Rhode Island. It is intended to serve as an informational tool to aid public officials, care providers and the general public in better understanding the laws which were enacted in 2006 which impact children, youth and families in Rhode Island. Although this guide is comprehensive in scope, it does not necessarily include all legislation affecting children. It is important to note that other provisions of the Rhode Island General Laws may modify or otherwise control the application of these new laws. Readers are encouraged to refer to the specific text of statutes in the Rhode Island general laws for more precise definitions and greater detail. Additionally, summaries of rule changes for the Department of Children, Youth and Families and the Department of Human Services are included in the Appendix. This publication will be available on the Office of the Child Advocate's website at www.child-advocate.state.ri.us.

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ABUSED AND NEGLECTED CHILDREN

H-6903

Introduced by: Representatives: Giannini

General Law: §§ 40-11-2 and 40-11-17 of Title 40, Chapter 11 of the General Laws entitled "Abused and Neglected Children"

SUMMARY:

This Act amends § 40-11-2 by adding *shaken baby syndrome* and its definition, *a form of abusive head trauma, characterized by a constellation of symptoms caused by other than accidental traumatic injury resulting from the violent shaking of and/or impact upon an infant or young child's head*, to the definitional section.

This Act creates § 40-11-17, which requires the Department of Health to collaborate with DCYF and other state agencies serving families and children, the medical community, law enforcement, human service providers, and child advocacy organizations to develop and implement a comprehensive, statewide initiative to reduce death and disability resulting from shaken baby syndrome. The initiative must include, but is not limited to: 1) instituting a patient education program on shaken baby syndrome prevention for all parents of newborns; 2) instituting education and training programs on the prevention and diagnosis of shaken baby syndrome for other parents, caregivers, physicians and professionals serving children and families; 3) assisting in the development of programs to support and serve victims and families affected by shaken baby syndrome; and 4) conducting surveillance and data collection on the incidence of shaken baby syndrome and traumatic brain injury in infants and young children. The Department of Health is to promulgate all rules and regulations necessary to effectuate this section and, in collaboration with DCYF, must report the status of the initiative annually to the General Assembly.

DELINQUENT AND DEPENDENT CHILDREN

S-2773 SUB A as amended & H-7454 SUB A

Introduced by: Senators: Blais, Breene
Representatives: Kilmartin, Moura, Sullivan, Jackson, Church

General Law: § 14-6.1-3 of Title 14, Chapter 6.1 of the General Laws entitled "The Interstate Compact for Juveniles"
§§ 14-6.2-1 through 16-6.2-12 of Title 14, Chapter 6.2 of the General Laws entitled "Interstate Compact for Juveniles"

SUMMARY:
This Act amends § 14-6.1-3 by changing the ratification requirement of the Interstate Compact for Juveniles from *one or more* States to *no less than thirty-five* States.

This Act creates Chapter 6.2 and its concomitant sections, which set forth the Interstate Compact for Juveniles in fifteen (15) Articles.

Article I, Findings and Purposes, sets forth the findings and purposes of the Interstate Compact for Juveniles.

Article II, Existing Rights and Remedies, provides that all remedies and procedures provided by the compact are in addition to, not a substitution for, other rights/remedies/procedures, and are not to be in derogation of parental rights and responsibilities.

Article III, Definitions, sets forth definitions for *delinquent juvenile*, *probation or parole*, *court*, *state*, and *residence*.

Article IV, Return of Runaways, provides that the parent, guardian, person, or agency entitled to legal custody of a non-delinquent juvenile runaway may petition the appropriate court in the demanding state for the issuance of a requisition for his/her return. The petition (verified by affidavit, executed in duplicate, and accompanied by two certified copies of documents supporting petitioner's entitlement to custody), must state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to custody, the circumstances of running away, the location of the juvenile if known, and any other facts that may tend to show the juvenile is endangering his/her welfare or the welfare of others and is not emancipated. The judge, with or without a hearing, may order the juvenile returned. If there is adjudication pending to render the juvenile delinquent, neglected, or dependent, the judge may order the return of the juvenile on his own motion. Upon receipt of a requisition demanding the return of a runaway juvenile, the court or executive authority who received it shall issue an order to any peace officer directing him to take into custody and detain the juvenile. Before being turned over to the requesting State, the juvenile must be taken before a judge in the State that received the request and informed of the demand for his/her return. The judge may appoint counsel or a guardian ad litem. If a State has reasonable information that a runaway juvenile is in that State,

the juvenile may be taken into custody without a requisition and brought before a judge who may appoint counsel or a guardian ad litem and who shall determine, after a hearing, whether sufficient cause exists to hold the juvenile for his/her own protection and welfare, for less than ninety days, to enable his/her return to another State pursuant to a requisition. If at the time a State seeks return of a runaway juvenile there is a criminal charge or delinquency proceeding pending, or if he/she is suspected of having committed a criminal offense or act of delinquency, he/she shall not be returned without the consent of the State in which he/she is located until discharged from the proceedings, imprisonment, detention, or supervision.
Upon return to the State from which the juvenile ran away, he/she shall be subject to any further proceedings that may be appropriate under the laws of that State. The State to which the juvenile is returned is responsible for transportation costs.

Article V, Return of Escapees and Absconders, sets forth provisions identical to Article IV, except that Article V's provisions apply to an application for return filed by a person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he/she has escaped.

Article VI, Voluntary Return Procedure, authorizes a delinquent juvenile who has absconded or escaped and any juvenile who has run away who is taken into custody without a requisition to consent to his/her immediate return to the State from which he/she absconded, escaped, or ran away. Consent is given by the juvenile (delinquent or not) and his/her counsel or guardian ad litem, if any, in writing in the presence of a judge of the appropriate court. Before consent is given, the judge, in the presence of counsel or a guardian ad litem, if any, shall inform the juvenile (delinquent or not) of his/her rights under this compact.

Article VII, Cooperative Supervision of Probationers and Parolees, authorizes the sending State to permit a delinquent juvenile to reside in the receiving State while on probation or parole, and instructs the receiving State to accept the delinquent juvenile if the parent, guardian, or person entitled to legal custody of the delinquent juvenile is residing within the receiving State. The sending State must send to the receiving State copies of pertinent court orders, social case studies and all other information which may be of value to the receiving State in supervising a probationer or parolee under this compact. In its discretion, a receiving State may agree to accept supervision of a probationer or parolee when the parent, guardian, or person entitled to legal custody of the delinquent juvenile is not a resident of the receiving State. After consultation between the appropriate authorities of the sending and receiving States, the officers of a sending State may enter a receiving State and apprehend and retake a delinquent juvenile on probation or parole, which action is not reviewable within the receiving State.

Article VIII, Responsibility for Costs, clarifies the responsibility for costs associated with this compact.

Article IX, Detention Practices, provides that, to every extent possible, no juvenile or delinquent is to be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious, or dissolute persons.

Article X, Supplementary Agreements, authorizes a State to enter into supplementary agreements with any other State(s) party to the compact for the cooperative care, treatment, and rehabilitation of delinquent juveniles whenever they find that the agreements will improve the facilities or programs available for care, treatment, and rehabilitation.

Article XI, Acceptance of Federal and Other Aid, authorizes any State party to this compact to accept all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency of the federal or any local government and from any person, firm or corporation, for any of the purposes and functions of this compact.

Article XII, Compact Administrators, provides that the Governor of each State party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

Article XIII, Executive of Compact, provides that the compact becomes operative immediately upon execution by any State, and when executed shall have the full force and effect of law within the State.

Article XIV, Renunciation, specifies that the compact shall continue in force and remain binding upon each executing State until renounced by it.

Article XV, Severability, sets forth a severability clause.

CHILD CARE

S-2028 SUB A

Introduced by: Senators: Issa, Doyle, McBurney, Damiani

General Law: § 40-5.1-17 of Title 40, Chapter 5.1 of the General Laws entitled "Family Independence Act"

SUMMARY:

This Act amends § 40-5.1-17 by adding a new subsection (h) to the Family Independence Act. This subsection directs the Department of Human services, in determining eligibility for the child care assistance program for children of members of military reserve units called to active duty during a time of conflict, to 1) freeze the family composition and family income of the reserve member as it was in the month prior to the month of leaving for active duty, and 2) continue the freeze until the member is officially discharged from active duty.

S-2370 SUB A & H-7305 SUB A

Introduced by: Senators: Issa, Doyle
Representatives: San Bento, Gallison, Lewiss

General Law: § 42-72.1-5 of Title 42, Chapter 72.1 of the General Laws entitled "Licensing and Monitoring of Child Care Providers and Child-Placing Agencies

SUMMARY:

This Act amends § 42-72.1-5 by adding provisions which allow DCYF to grant a provisional license to an applicant who has submitted a request for a variance to the fire safety code board of appeal and review. This provisional license terminates no later than thirty (30) days following the decision on the variance.

Section 42-72.1-5 has also been amended to exempt a school-aged child day care program from the requirement to obtain fire, building, and radon inspections when the program is conducted at a Rhode Island elementary or secondary school which has already been found in compliance with those inspections.

S-2637 as amended & H-7423 SUB A

Introduced by: Senators: Paiva-Weed, Roberts, Pichardo, Metts, Ruggerio
Representatives: Gallison, Rice, Moura, Slater, Handy

General Law: § 40-6.2-1.1 of Title 40, Chapter 6.2 of the General Laws entitled "Child Care-State Subsidies"

SUMMARY:

This Act amends § 40-6.2-1.1 by adding a new subsection (f), which gives child care providers the option to be paid bi-weekly and the option of using automatic direct deposit and/or electronic funds transfer for reimbursement payments.

A new subsection (g) has also been added, which requires the Department of Human Services to report monthly to the chairpersons of the house and senate finance committees on the implementation of this section.

S-3153 SUB A as amended & H-8191 as amended

Introduced by: Senators: Goodwin, Issa, Ciccone, DaPonte, Pichardo
Representatives: Fox, Handy, Slater, Almeida, Williams

Joint Resolution: Creating a Special Legislative Commission to Study the Method of Child Care in the State of Rhode Island

SUMMARY:

This Resolution creates a thirteen (13) member commission to study the cost and accessibility of the child care system in Rhode Island and to make recommendations on how to improve the delivery of quality, accessible, and affordable child care services to working parents. The commission is to report its findings to the General Assembly on or before January 25, 2007 and it expires on March 1, 2007.

H-7120 SUB A as amended, ARTICLE 14

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 40-6.2-1.1 of Title 40, Chapter 6.2 entitled "Child Care-State Subsidies"

SUMMARY:

This provision of the FY 2007 budget amends § 40-6.2-1.1 so that the weekly market rates, which are used to set the maximum reimbursement rates to be paid by DHS and DCYF to child

care providers, will be adjusted by the 2006, rather than the 2004, market rate survey beginning July 1, 2007.

H-7120 SUB A as amended, ARTICLE 32

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 40-5.1-17 of Title 40, Chapter 5.1 of the General Laws entitled "Family Independence Act"

SUMMARY:

This provision of the FY 2007 budget amends § 40-5.1-17 by adding a new subsection (a)(2), which adds a resource test to the eligibility requirements for the child care assistance program. Pursuant to this resource test, no family or child shall be eligible for the child care assistance program if the combined value of the child's or family's liquid resources exceed $10,000. Liquid resources are defined as *any interest(s) in property in the form of cash or other financial instruments or accounts which are readily convertible to cash or cash equivalents,* including but not limited to cash, bank, credit union or other savings, checking and money market accounts, certificates of deposit or other time deposits, stocks, bonds, mutual funds, and other similar instruments or accounts. Educational savings accounts, plans, or programs; retirement accounts, plans or programs; or accounts held jointly with another adult (not spouse) living outside the household if the applicant documents the funds are not his/hers, are not to be considered for the resource test.

Section 40-5.1-17 has also been amended by adding a new subsection (a)(3). This subsection requires, as a condition for eligibility for child care assistance, the parent or caretaker to consent to and cooperate with DHS in establishing paternity and in establishing and/or enforcing child support and medical support orders for all children in the family, unless the caretaker is found to have good cause for refusing to comply.

The age limitations previously set out in subsection (b) have been rescinded, except that the child must be below age 16.

HEALTH CARE AND HEALTH INSURANCE

S-2330 SUB A as amended & H-7025 SUB A as amended

Introduced by: Senators: C Levesque, Perry, Roberts, Gallo, Sosnowski
Representatives: Costantino, Slater, Gallison, Jacquard, Malik

General Law: § 40-8.4-18 of Title 40, Chapter 8.4 of the General Laws entitled "Health Care For Families"

SUMMARY:

This Act amends § 40-8.4-18 to require the Department of Human Services to annually prepare a public health access beneficiary employer report which includes (for each employer of 250 or more public health access beneficiaries): name and address of employer, number of public health access program beneficiaries who are employees of the employer, number of public health access program beneficiaries who are spouses or dependents of employees of the employer, whether the employer offers health benefits to its employees, whether the employer participates in the RIte Share program, and the cost to Rhode Island for providing public health access benefits to their employees and enrolled dependents.

The statute has also been amended so that it now defines *public health access program beneficiary* as any person who receives medical benefits from RIte Care, RIte Share, or Medicaid.

This Act amends the statute so that applicants to these programs are now required to identify the employer(s) of the proposed beneficiary.

S-2377 SUB A & H-7264 SUB A

Introduced by: Senators: Perry, Goodwin, Tassoni, McCaffrey, Gallo
Representatives: Naughton, Slater, Ajello, Handy, Moran

General Law: § 40-8.4-6 of Title 40, Chapter 8.4 of the General Laws entitled "Health Care For Families"

SUMMARY:

This Act amends § 40-8.4-6 to require the Department of Human Services to submit a report to the chair of the Senate Health and Human Services Committee, the chair of the House Health, Education and Welfare Committee, and the chairs of the House and Senate Finance Committees which describes an ex-parte process for renewing eligibility for RIte Care whereby the department uses information provided from the recipient's cash assistance, food stamp, and/or child care assistance records and from other reliable sources readily available to the department.

The report must at least include how the process will work, the date by which the process could be implemented, the number and type of cases to which the process is anticipated to be applied, the costs and anticipated savings of implementing the process, and how the department will assure the accuracy of eligibility determinations which use the process.

S-2211 SUB A as amended & H-7145 SUB A

Introduced by: Senators: Perry, Roberts, P Fogarty, Walaska, Tassoni
Representatives: E Coderre, Kennedy, Naughton

General Law: § 27-18.6-2 of Title 27, Chapter 18.6 of the General Laws entitled "Large Groups Health Insurance Coverage"
§ 27-18-59 of Title 27, Chapter 18 of the General Laws entitled "Accident and Sickness Insurance Policies
§ 27-19-50 of Title 27, Chapter 19 of the General Laws entitled "Nonprofit Hospital Service Corporations"
§ 27-20-45 of Title 27, Chapter 20 of the General Laws entitled "Nonprofit Medical Service Corporations"
§ 27-41-61 of Title 27, Chapter 41 of the General Laws entitled "Health Maintenance Organizations"
§ 27-50-3 of Title 27, Chapter 50 of the General Laws entitled "Small Employer Health Insurance Availability Act"

SUMMARY:

This Act amends § 27-18.6-2 by removing subsection (7), which defines *dependent* as *a spouse or unmarried child under age 19, an unmarried child who is a full time student under age 25 who is financially dependent upon the parent, and an unmarried child of any age who is medically certified as disabled and dependent upon the parent*. The numbering of the subsequent subsections is adjusted accordingly.

This Act amends §§ 27-18-59, 27-19-50, 27-20-45, and 27-41-61 by adding a provision to each section which requires health insurance companies that provide medical coverage for dependent children to provide coverage to 1) an unmarried child under age 19; 2) an unmarried child who is a student under 25 and is financially dependent upon the parent; and 3) an unmarried child of any age who is financially dependent upon the parent and medically determined to have a physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of 12 months or more. These sections are also amended so that the requirement of providing documentary proof of *college enrollment* is changed to providing documentary proof of *full or part time enrollment in a post secondary educational institution*.

This Act amends § 27-50-3 by modifying subsection (j) so that a *dependent* is now defined as *a spouse, unmarried child under age 19, an unmarried child who is a student under age 25, and an unmarried child of any age who is financially dependent upon the parent and is medically*

determined to have a physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. The previous requirements that the student must be attending full time and that the student must be financially dependent upon the parent have been removed.

S-2717 SUB B as amended & H-7679

Introduced by: Senators: Blais, Breene
Representatives: Watson

General Law: § 36-12-15 of Title 36, Chapter 12 of the General Laws entitled "Insurance Benefits"

SUMMARY:

This Act creates a new section, 36-12-15, in Chapter 12 because the 2001 amendment to § 36-12-1, which allowed health care benefits to be extended to domestic partners of state employees, resulted in unanticipated federal tax implications. Section 36-12-15 thus creates the Domestic Partner Income Tax Loan Account, an interest free loan program to loan funds to eligible state employees to pay the additional federal and state income taxes incurred for tax years 2002-2005 as a result of income imputed to them equal to the fair market value of the health care benefits extended to their domestic partners.

H-7120 SUB A as amended, ARTICLE 25

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 40-8.4-4 of Title 40, Chapter 8.4 of the General Laws entitled "Health Care for Families"
§ 40-8.4-12 of Title 40, Chapter 8.4 of the General Laws entitled "Health Care for Families"
§ 42-12.3-4 of Title 42, Chapter 12.3 of the General Laws entitled "Health Care for Children and Pregnant Women"

SUMMARY:

This provision of the FY 2007 budget amends § 40-8.4-4 by adding a resource test as an eligibility requirement for medical assistance for families. A new subsection (c) states that no family or child shall be eligible for medical assistance coverage if the combined value of the child's or family's liquid resources exceed $10,000, but the subsection does not apply to 1) children with disabilities who are otherwise eligible for medical assistance coverage as categorically needy and 2) pregnant women. Liquid resources are defined as *any interest(s) in property in the form of cash or other financial instruments or accounts which are readily convertible to cash or cash equivalents,* including but not limited to cash, bank, credit union or

other savings, checking and money market accounts, certificates of deposit or other time deposits, stocks, bonds, mutual funds, and other similar instruments or accounts. Educational savings accounts, plans, or programs; retirement accounts, plans or programs; or accounts held jointly with another adult (not spouse) living outside the household if the applicant documents the funds are not his/hers, are not to be considered for the resource test.

This provision of the FY 2007 budget also amends § 40-8.4-12 by adding the same resource test for eligibility to the RIte Share Health Insurance Premium Assistance Program. This resource test is enumerated as subsection (a)(2) and the previous text of the section is now enumerated (a)(1).

This budget provision also amends § 42-12.3-4 by adding the resource test to the RIte track program in a new subsection (b).

H-7120 SUB A as amended, ARTICLE 26

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 23-17.17-7 of Title 23, Chapter 17.17 entitled "Health Care Quality Program"

SUMMARY:

This provision of the FY 2007 budget repeals § 23-17.17-7, which was a program in the Department of Health that provided state assistance to Rhode Island hospitals which met the program requirements.

H-7120 SUB A as amended, ARTICLE 40

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 40-8-1 of Title 40, Chapter 8 of the General Laws entitled "Medical Assistance"
§ 42-12.3-4 of Title 42, Chapter 12.3 of the General Laws entitled "Health Care for Children and Pregnant Women"
§ 42-12.3-15 of Title 42, Chapter 12.3 of the General Laws entitled "Health Care for Children and Pregnant Women"

SUMMARY:

This provision of the FY 2007 budget amends §§ 40-8-1, 42-12.3-4, and 42-12.3-15 by rendering any non-citizen children not receiving medical assistance as of December 31, 2006 ineligible for the medical assistance program beginning January 1, 2007. Non-citizen children include those lawfully admitted for permanent residence.

H-7424 SUB A as amended

Introduced by: Representatives: E Coderre, McNamara, Naughton, Diaz, Slater

General Law: § 23-80-3 of Title 23, Chapter 80 of the General Laws entitled "Health and Safety"

SUMMARY:

This Act adds Chapter 80, Rhode Island Coordinated Health Planning Act of 2006, to Title 23, of which § 23-80-3 requires the director of the Department of Health, in consultation with an advisory committee composed of representatives of health care consumers, providers, and payors, to develop an assessment of the existing state capacity and authority to perform coordinated statewide health planning. The assessment is to include a plan for the development and revision of strategic plans to improve the quality, accessibility, portability and affordability of Rhode Island's health care system and a study of an expanded role for the Department of Health in health care planning, including capital investment expansion and introduction of technology. The assessment must be submitted to the Joint Legislative Committee on Health Care Oversight, the House Committee on Finance, and the Senate Committee on Finance on or before April 4, 2007.

H-7773 SUB A as amended

Introduced by: Representatives: Handy, Gallison, Ehrhardt

General Law: § 11-34-10 of Title 11, Chapter 34 of the General Laws entitled "Prostitution and Lewdness"
§ 21-28-4.20 of Title 21, Chapter 28 of the General Laws entitled "Uniform Controlled Substances Act"
§§ 23-6-11, 23-6-12, 23-6-14, 23-6-17, 23-6-18, 23-6-20, 23-6-25 and 23-6-26 of Title 23, Chapter 6 of the General Laws entitled "Prevention and Suppression of Contagious Diseases"
§§ 23-11-17 and 23-11-19 of Title 23, Chapter 11 of the General Laws entitled "Sexually Transmitted Diseases"
§ 23-13-19 of Title 23, Chapter 13 of the General Laws entitled "Maternal and Child Health Services for Children with Special Health Care Needs"
§ 23-17-31.1 of Title 23, Chapter 17 of the General Laws entitled "Licensing of Health Care Facilities"
§§ 23-28.36-2 and 23-28.36-3 of Title 23, Chapter 28.36 of the General Laws entitled "Notification of Fire Fighters, Police Officers and Emergency Medical Technicians After Exposure to infectious diseases"
§ 40.1-24-20 of Title 40.1, Chapter 24 of the General Laws entitled "Licensing of Facilities and Programs for People who are Mentally Ill and/or Developmentally Disabled"

SUMMARY:

This Act amends § 11-34-10 by removing the provision which rendered the Department of Health responsible for reasonable costs associated with performing and reporting the results of HIV tests, including costs of pretest and posttest counseling. The section now provides that the Department of Health must maintain sites for providing anonymous and confidential HIV testing, counseling, and referral, at no cost to indigent parties and individuals without health insurance and at on a sliding payment scale for all others. Pretest and posttest counseling is to be administered by individuals trained by the Department of Health.

This Act also amends § 21-28-4.20 by making testing mandatory for *any person convicted of possession of any controlled substance that has been administered with a hypodermic instrument, retractable hypodermic syringe, needle, or any similar instrument adapted for the administration of drugs,* rather than *any person convicted of possession of any hypodermic instrument associated with intravenous drug use*. This section is also changed in the same manner as § 11-34-10, above. Those who test positive under this section are to be referred to appropriate sources of drug treatment and given priority in outpatient programs supported by a state agency.

This Act amends § 23-6-11 by removing *exposure evaluation group* from the list of defined terms. Numeration of the subsequent definitions are adjusted accordingly. The section is modified so that *HIV Informed Consent Form* is now *Informed Consent Form* and that form's

required information is amended so that the following must be included on the form: a description of the nature of the HIV disease, a specification that by signing the form the person has declined to be tested, and a specification that consent to be tested is given verbally only. A definition for *occupational health representative* is also added to this section.

This Act amends § 23-6-12 by changing the numeration of the sections and adding a subsection (a), which requires recommendations regarding HIV testing to reference the most current guidelines issued by the CDC as interpreted by the Department of Health in a manner consistent with the minimum informed consent standards of this Title and other state law. Subsection (b) is modified by a new requirement that a physician or health care provider attending to any person who may be at risk for HIV infection must routinely offer the HIV test to those patients. Subsection (c) is amended so that it now requires the HIV testing counselor to discuss options regarding referrals and reporting with all individuals who consented to anonymous testing and tested positive. A new subsection (d) has been added, which requires that all HIV CD4 T-lymphocyte test results and all HIV viral load detection test results be reported to the Department of Health through a department-designed reporting system that uses a non-name based code and contains no patient identifying information. Such reports can be used by the department to improve the clinical progress of patients through contact with their physicians, and to develop and improve prevention programs and create better access to care.

This Act also amends § 23-6-14, the exceptions section, by removing the phrase *Notwithstanding the provisions of sections 23-6-12 and 23-6-13*. That section now reads: *A physician or other health care provider may secure a test sample for the presence of HIV without consent under the following conditions*, then lists the conditions already present, but adds a fourth condition, which allows for petition to the superior court for a court order mandating that the test be performed without consent if a sample of the patient's blood is not otherwise available. Subsection (5) is changed only to the extent that the individual determining whether a health care provider had a significant exposure to blood and/or bodily fluids is now an *occupational health representative or physician, registered nurse practitioner, physician assistant, or nurse-midwife not directly involved in the exposure*. Subsection (5)(iv), which is a disclaimer of liability, replaces *no member of the exposure evaluation group* to *no person*.

This Act amends § 23-6-17, subsection (a)(2)(v), so that a physician may notify those in close and continuous *exposure related* contact with an HIV infected patient, including a *partner*, if the specified conditions are met. The provision which directed the physician to follow procedures established by the director of the Department of Health has been removed. A new subsection (b) has been added, which requires facilities and other health care providers subject to this section to have documentation that each person with access to any confidential information understands and acknowledges that the information may not be disclosed except as provided herein, and requires that the director establish protocols for collecting, maintaining, transferring, and destroying the information to ensure the integrity of the transfer.

This Act also amends § 23-6-18 by adding a new subsection (b), which requires the department to evaluate reports of HIV/AIDS for completeness and potential referrals for service, requires all case reports be kept in a confidential and secure setting, and requires the department to develop and implement an HIV/AIDS policy and protocol for security. Subsection (b)(1) requires the

department to evaluate its procedures for reporting on a continuous basis for timeliness, completeness of reporting, and security of confidential information, and subsection (b)(2) requires the department's protocol to be in accordance with the recommendations of the December 10, 1999 Morbidity and Mortality Weekly Report Recommendations and Reports, "CDC Guidelines for National Human Immunodeficiency Virus Case Surveillance, including monitoring for Human Immunodeficiency Virus infection and Acquired Immunodeficiency Syndrome" document, or its successor document, provided that the protocol is no less protective than that required by state law. Subsection (b)(3) provides a right of action in the Superior Court to any person aggrieved by a violation of this section, lists the available recoveries, and sets the statute of limitations at 3 years.

This Act amends § 23-6-20 by adding another exception to the requirement that reasonable efforts be undertaken to inform the individual in advance before his/her HIV test results are disclosed to a third party. The new exception covers disclosures permitted by and disclosed in accordance with the federal HIPA Act.

This Act amends § 23-6-25 in a manner identical to the amendment of § 11-34-10, above.

This Act also amends § 23-6-26(a) by stating that surveillance of HIV/AIDS occurrence is in the public interest and therefore the disease shall be designated as notifiable and reportable by name. A new subsection (b) sets forth the following as reportable: (1) a diagnosis of HIV; (2) a diagnosis of AIDS; (3) a positive ELIZA result of any HIV test and/or other FDA approved test indicative of the presence of HIV; (4) CD4 T-lymphocyte test results < 200 mg/dl and/or 14%; (5) a perinatal exposure of a newborn to HIV indicated by 2 positive PCR tests and/or other FDA approved tests that indicate the presence of HIV in pediatric cases; and (6) other FDA approved tests indicative of the presence of HIV/AIDS, as approved by the department. What was previously subsection (a) is now subsection (c), and has been amended to include *any duly licensed healthcare provider* in the list of those whom, when ordering a sample to test for HIV, must send the sample to the Rhode Island Department of Health laboratory for analysis. The provision which allowed specimens analyzed for the sole purpose of assuring the safety of the blood supply or for research to be tested for HIV antibody in other licensed laboratories has been removed, and the Department of Health is now required to conduct all confirmatory testing for HIV/AIDS, unless an exception has been granted through written approval by the Department of Health. What was previously subsection (b) is now subsection (d) and is amended so that anonymous testing is excepted from the requirement that the name of the patient be included on samples for HIV testing and results of HIV tests. A new subsection (e) mandates that any HIV cases reported in the previous code based system shall remain in a code based data set. A new subsection (f) sets forth provisions identical to those found in § 23-6-12 (d), above.

This Act also adds a new section, § 23-6-27, which requires (in subsection (a)) a physician or health care provider who diagnoses or treats HIV/AIDS, the administrator of a health care facility who diagnoses or treats HIV/AIDS, or the administrator of a prison in which there is an HIV/AIDS infected person or perinatal exposure to HIV/AIDS to report the infected person's name and information required on the official department HIV Case Report Form to the department's HIV/AIDS surveillance team. Subsection (b) requires any high managerial agent who is responsible for the administration of a clinical or hospital laboratory, blood bank, mobile

unit, or other facility in which a laboratory exam of any specimen yields evidence of HIV/AIDS, including perinatal exposure to HIV/AIDS, to notify the department, in compliance with the rules promulgated by the department, of the infected person's name and all information indicated on the official department HIV Case Report Form. Subsection (c) states that reports required by this section shall only be made if confirmed with a Western Blot or other FDA approved confirmatory test, except that perinatal HIV/AIDS exposure reporting shall be made to the department regardless of confirmatory testing. Subsection (e) requires all required reports to be mailed to the department within 48 hours of diagnosis or treatment using a designated envelope provided by the department's HIV/AIDS surveillance team. Subsection (f) states that nothing in this section shall preclude the performance of anonymous HIV/AIDS testing.

This Act amends § 23-11-17 by mandating that all testing be performed in accordance with the informed consent standards contained in Chapter 6 of Title 23. What was previously subsection (b) is now joined with subsection (a). Informed consent forms are now required to be provided to each person who is tested and counseled, rather than each person who is offered a test and counseling, and each person must specifically be given the option to decline testing. The statement holding the Department of Health responsible for costs associated with performing and reporting the results of HIV tests is removed. A new subsection (b) is added, which contains the same requirements as § 23-6-12 (c) and § 11-34-10, both of which can be found above. Subsection (c) has been changed to add that no test results shall be given by any means other than in person and that counselors for HIV counseling, testing, and referral must undergo training given by the Department of Health to become a qualified professional counselor.

This Act also amends § 23-11-19 by adding viral hepatitis to the list of diseases for which clean hypodermic needles are to be offered and mandating that educational materials on HIV and viral hepatitis transmission must be provided along with substance abuse prevention and treatment information. The provision rendering any individual who participates in the program immune from criminal prosecution for violations of § 21-28.5-1(a)(11) has been removed.

This Act amends § 23-13-19 in that the original text of subsection (a) is deleted and replaced with a requirement that every physician or health care provider attending any person for prenatal care or family planning services must universally offer HIV screening and must include HIV in the routine panel of prenatal tests for all pregnant women. Each person who is offered testing and counseling must first be provided an informed consent form as provided by § 23-6-11(3) and must specifically be given the opportunity to decline testing. All testing must be performed in accordance with §§ 23-6-12 and 23-6-13. Subsection (b) is amended so that it is identical to the new subsection (b) of § 23-11-17, above. Subsection (c) requires that all persons tested under this section be counseled and tested in accordance with regulations promulgated by the Department of Health.

This Act amends § 23-17-31.1 by changing *drug abusers* in the section's title to *drug users*. Subsection (a) changes *intravenous* to *injecting* and removes the statement that the identity of the individuals tested shall be maintained only at the site where the sample is drawn. Subsection (b) changes the required *AIDS testing and notification form* to an *informed consent form* and adds that each person must specifically be given the opportunity to decline testing. Subsection (c) requires that if an individual who consented to anonymous testing tests positive, the counselor

must discuss with the client options regarding referrals and reporting of the positive screening. Subsection (d) is amended so that it is now identical to § 11-34-10, above.
This Act also amends § 23-28.36-2 by making slight changes to the definition of *licensed facility*, the most major of which is removing *medical clinic*.

This Act amends § 23-28.36-3 by replacing *comes into contact with* with *is occupationally exposed (e.g. blood borne exposure) to*, and adding that the exposure must be sufficient to create the risk of transmission of the disease.

This Act amends § 40.1-24-20 by changing *drug abusers* in the section's title to *drug users*. Subsection (a) is amended so that every physician or health care provider attending any person for any service offered at a facility for intravenous drug users must offer testing for HIV, regardless of whether the physician thinks it appropriate. The standards which testing must be performed in accordance with are amended to include the informed consent standards contained in Chapter 6 of Title 23 and the statement that the identity of the individuals tested shall be maintained only at the site where the sample is drawn is removed. Subsection (b) is changed so that each person tested and counseled shall first be provided an informed consent form as provided by subsection 23-6-11(3) and shall specifically be given the opportunity to decline testing. Subsection (c) requires that if an individual who consents for anonymous testing tests positive, the counselor shall discuss with the client options regarding referrals and reporting of the positive screening. Subsection (d) states that the Department of Health shall assist providers with performing and reporting the results of HIV tests. The statement in subsection (e) that the Department of Health is responsible for reasonable costs is removed and a provision identical to that in subsection (d) of § 23-17-31.1, above, is added. Subsection (f) requires that all persons tested under this section be counseled and tested in accordance with regulations promulgated by the Department of Health.

H-8071

Introduced by: Representatives: Costantino, Naughton

General Law: § 40.1-5-6 of Title 40.1, Chapter 5 of the General Laws entitled "Mental Health Law"

SUMMARY:

The statute was due to expire on January 1, 2007, but this Act amended it so that it is now effective as of January 1, 2007. This has the effect of allowing the department more time to develop regulations for emergency admissions pursuant to subsection (a)(3). There has been no change to the text of the section.

S-2178 SUB A

Introduced by: Senators: Gibbs, Breene, Perry, Pichardo, Algiere
Representatives:

General Law: § 27-18-65 of Title 27, Chapter 18 of the General Laws entitled "Accident and Sickness Insurance Policies"
§ 27-19-56 of Title 27, Chapter 19 of the General Laws entitled "Nonprofit Hospital Service Corporations"
§ 27-20-51 of Title 27, Chapter 20 of the General Laws entitled "Nonprofit Medical Service Corporations"
§27-41-69 of Title 27, Chapter 41 of the General Laws entitled "Health Maintenance Organizations"

SUMMARY:

This Act creates §§ 27-18-65, 27-19-56, 27-20-51, and 27-41-69, each of which requires every health and medical insurance policy which covers any other prosthesis to cover expenses for scalp hair prosthesis worn for hair loss suffered as a result of the treatment of any form of cancer or leukemia beginning January 1, 2007. This required coverage is subject to the same limitations and guidelines as other prosthesis and coverage for scalp hair prostheses need not exceed three hundred fifty dollars ($350) per covered member per year, excluding any deductible.

H-7120 SUB A as amended, ARTICLE 31

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 23-1-45 of Title 23, Chapter 1 of the General Laws entitled "Department of Health"

SUMMARY:

This provision of the FY 2007 budget amends § 23-1-45 so as to allow an expenditure from the infant-child immunization account in FY 2007, not to exceed $1 million, for pandemic influenza medications and equipment as directed by the director of health.

H-7120 SUB A as amended, ARTICLE 33

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

SUMMARY:

This FY 2007 budget provision authorizes and directs the Department of Human Services to amend its practices, procedures, regulations and the Rhode Island state plan for medical assistance (Medicaid) to modify the prescription drug program: (1) to establish a preferred drug

list (PDL); (2) to enter into supplemental rebate, discount or other agreements with pharmaceutical companies; and (3) to negotiate either state-specific supplemental rebates or to participate in a multi-state pooling supplemental rebate program.

H-7120 SUB A as amended, ARTICLE 34

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 27-18-30 of Title 27, Chapter 18 of the General Laws entitled "Accident and Sickness Insurance Policies"
§ 27-19-23 of Title 27, Chapter 19 of the General Laws entitled "Nonprofit Hospital Service Corporations"
§ 27-41-33 of Title 27, Chapter 41 of the General Laws entitled "Health Maintenance Organizations"
§ 42-12-29 of Title 42, Chapter 12 of the General Laws entitled "Department of Human Services"

SUMMARY:

This provision of the FY 2007 budget amends §§ 27-18-30, 27-19-23, and 27-41-33 so that: 1) the required coverage for infertility diagnosis and treatment is limited to women between the ages of 25 and 40; 2) infertility is defined as a married individual's inability to conceive for 2 years; and 3) the insurance company may impose a lifetime cap of such coverage at $100,000. This budget provision creates § 42-12-29, which creates the "children's health account," a restricted receipt account, within the general fund, all money in which is to be used by DHS to effectuate coverage for home health services, CEDARR services, and children's intensive services (subsection (a)). Subsection (b) provides that, beginning in FY 2007, each insurer licensed or regulated pursuant to the provisions of chapters 18, 19, 20 and 41 of title 27 shall be assessed yearly, and that all amounts collected from such assessment shall be deposited in the account. Insurers assessed greater than $500,000 for the year shall make 4 quarterly payments of 25% of their total assessment, but, beginning July 1 2006, the annual rate of assessment shall be determined by the Director of Human Services in concurrence with those insurers likely to be assessed at greater than $500,000. DHS is required to make information regarding the programs and related costs available to each insurer upon request and must submit an annual report on the programs and cost to theGeneral Assembly on or before February 1 of each year. Any funds collected in excess of that needed to carry out the programs are to be deducted from the subsequent year's assessment (subsection (c)). The total annual assessment on all insurers must equal the amount paid by DHS for such services, but is not to exceed $5000 per child covered by the services (subsection (d)). Subsection (e) provides that the children's health account is exempt from the indirect cost recovery provisions of § 35-4-27.

H-7120 SUB A as amended, ARTICLE 35

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 40-16-1 of Title 40, Chapter 16 of the General Laws entitled "Community Health Centers"
§40-8-26 of Title 40, Chapter 8 of the General Laws entitled "Medical Assistance"

SUMMARY:

This provision of the FY 2007 budget repeals § 40-16-1, which had required the state to contribute a share of the costs associated with community health centers.

This budget provision creates § 40-8-26, subsection (a) of which defines *Community Health Centers* as *Federally Qualified Health Centers and Rural Health Centers*. Subsection (b) requires DHS to adopt and implement a methodology for determining a Medicaid per visit reimbursement for community health centers which is compliant with the prospective payment system provided for in the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2001. Subsection (c) provides that the rate determination methodology must fairly recognize the reasonable costs of providing services and that the maximum reimbursement rate for a service provided by an individual community health center is not to exceed 125% of the median rate for all community health centers within the state. Subsection (d) requires community health centers to cooperate fully and timely with reporting requirements established by DHS. Subsection (e) states that reimbursement rates are to be incorporated into the PPS reconciliation for services provided to Medicaid eligible persons who are enrolled in a health plan on the date of service and that monthly payments by DHS for PPS for those persons are to be paid directly to the community health centers.

EDUCATION

S-2085 SUB A

Introduced by: Senators: Gallo, Walaska, P Fogarty, C Levesque, Issa

General Law: § 16-77-4 of Title 16, Chapter 77 of the General Laws entitled "Establishment of Charter Public Schools"

SUMMARY:

This Act amends the application requirements for establishing a charter public school in § 16-77-4 so that the required plan for education must now include measurable student academic goals that the charter public school will meet.

S-2489 SUB A & H-7841

Introduced by: Senators: Paiva-Weed, Issa, Sosnowski, Gallo, Breene
Representatives: Mumford, Savage, Story, Ehrhardt, McManus

General Law: §§ 16-21.1-7 and 16-21.1-8 of Title 16, Chapter 21.1 of the General Laws entitled "Transportation of School Pupils Beyond City and Town Limits"

SUMMARY:

This Act creates § 16-21.1-7, which requires the Department of Elementary and Secondary Education, in collaboration with the Office of Statewide Planning and the Rhode Island Public Transit Authority, to develop a plan for the creation and implementation of a statewide system to transport students with special needs to and from school, from which each school committee will be able to purchase the transportation services for its own resident special needs students on a fee-for-service basis for each child. The goals of the system are to reduce the duplication of cost and routes in transporting children from the various cities and towns using different buses within and between each city and town, improve services to children through the development of shorter ride times and more efficient routes of travel, and reduce the cost to local school committees through achieving efficiency in eliminating the need for each school district to contract for and provide these transportation services separately.

This Act also creates § 16-21.1-8, which directs the Department of Elementary and Secondary Education, in collaboration with the Office of Statewide Planning and the Rhode Island Public Transit Authority, to conduct a comprehensive study of all current transportation services for students in Rhode Island school districts in order to develop a plan for the creation and implementation of a statewide system of transportation of students to and from school. This system is to be set up in a manner identical to the system for special needs students referenced above, and the goals of the two systems are also identical.

S-2531 & 6853 SUB A

Introduced by: Senators: Doyle, Polisena, Walaska, Issa, Ruggierio
Representatives: McNamara, Crowley, Lewiss, Savage, Gallison

General Law: § 16-5-34 of Title 16, Chapter 5 of the General Laws entitled "State Aid"

SUMMARY:

This Act creates § 16-5-34, which requires the Department of Elementary and Secondary Education, in collaboration with the Department of Administration, to develop a plan for the establishment and implementation of a statewide purchasing system for all public schools in the state. The system is to develop requests and proposals to improve the purchase of: (a) general school supplies such as paper goods, office supplies, and cleaning products; (b) textbooks, telecommunications, wireless services, and software; (c) a statewide school transportation system for children with special needs; and (d) general non-medical and dental insurance products and services, provided that each district be permitted to establish their own benefit and coverage levels. The departments must also develop policies and procedures to reduce the cost of health care insurance to local school departments by discussing, with local education authorities and representatives of local unions, cost saving efficiencies that could be achieved by including these employees in a state health insurance contract.

S-2696 SUB B

Introduced by: Senators: Sosnowski, Roberts, Perry, Gibbs, Pichardo

General Law: §§ 16-21-29 and 16-21-7 of Title 16, Chapter 21 of the General Laws entitled "Health and Safety of Pupils"

SUMMARY:

This Act amends § 16-21-7 by adding a new subsection (b), which requires all Rhode Island elementary, middle and junior high schools that sell or distribute beverages and snacks on their premises (including vending machines) to offer healthier beverages effective January 1, 2007, and healthier snacks effective January 1, 2008. A new subsection (c) provides an exception for beverages and snacks sold as part of school fundraising if: (1) the items are sold by pupils of the school and the sale of those items takes place off and away from the premises of the school; (2) the items are sold by pupils of the school and the sale of those items takes place one hour or more after the end of the school day; **or** (3) the items are sold during a school sponsored pupil activity after the end of the school day.

This Act creates § 16-21-29, which defines *healthier beverages* as: (a) water, including carbonated, flavored or sweetened with 100% fruit juice and containing no added sweetener; (b) 2% fat milk, 1% fat milk, nonfat milk, and dairy alternatives; (c) 100% fruit juice or fruit based drinks composed of no less than 50% fruit juice and no added sweetener; and (d) vegetable-

based drinks composed of no less than 50% vegetable juice and no added sweetener. The section defines *healthier snacks* as: (a) individually sold portions of nuts, nut butters, seeds, eggs, and cheese, fruit, vegetables (not deep fried), and legumes; (b) individually sold portions of low fat yogurt with not more than four grams of total carbohydrates, naturally occurring and added, per ounce and reduced fat or low fat cheese packaged for individual sale; (c) individually sold enriched or fortified grain or grain product; or whole grain food items which meet the following standards: (i) not more than 30% total calories are from fat, (ii) not more than 10% total calories from saturated fat, and (iii) contains not more than seven grams of total sugar, naturally occurring and added, per ounce. This section also defines *added sweetener* and *snack*.

H-7066

Introduced by: Representatives: Naughton, Crowley, Kennedy, E Coderre, Slater

General Law: §§ 16-26.1-1, 16-26.1-2, 16-26.1-3, 16-26.1-4, and 16-26.1-5 of Title 16, Chapter 26.1 of the General Laws entitled "Rhode Island Vision Education and Services Program"

SUMMARY:

This Act creates Chapter 26.1 and its sections, described below.

Section 16-26.1-1 sets out the name of the program: the Rhode Island Vision Education and Services Program, and states that *Rhode Island Blind and Visually Impaired Children* shall now be construed in all laws, resolutions, documents, records, instruments, etc. to mean *Rhode Island Vision Education and Services Program*.

Section 16-26.1-2 provides that: (a) the powers delegated and authorized in this chapter for the Board of Regents for Elementary and Secondary Education and the Department of Elementary and Secondary Education are in addition to those previously authorized by any other general or public law; (b) the governance, funding, and programming of the Rhode Island Vision Education and Services Program shall be in accordance with the rules and regulations formulated by the Board of Regents for Elementary and Secondary Education; (c) the Board of Regents shall appoint the 11 members of the advisory board, no less than 6 of which shall be persons or parents of persons who are blind and visually impaired, and its commissioner from nominations made by the Commissioner of Elementary and Secondary Education, and it shall determine the qualifications and terms of office of the Board of Trustees; (d) the Board of Regents shall establish strategic directions for the education of blind and visually impaired children in the state; (e) the Board of Regents shall provide parameters for budget requests, recommend a budget, and participate in budget development; (f) the Commissioner of Elementary and Secondary Education shall recommend parameters for the overall budget requests, recommend a budget, and participate in budget development; (g) the Advisory Board shall meet not less than quarterly, with 5 members being required for quorums, shall serve without compensation, nust keep records of their meetings and must report annually on the educational progress of the Rhode Island Vision and Educational Services Program to the Commissioner, Board of Regents, the

General Assembly, and the State Library; and (h) the Advisory Board shall advise the Rhode Island Vision and Educational Services Program as to the needs of the blind and visually impaired children in the state, the educational and service policies required to meet those needs, policy guidance and suggestions for budget development, methods to ensure that all students are taught by educators of the highest possible quality, and appropriate committees and/or workgroups to provide guidance and feedback on the goals and outcomes of the program.

Section 16-26.1-3 requires the Board of Regents for Elementary and Secondary Education to make an annual report, before January 31st, to theGeneral Assembly of the condition of the program, a statement of all expenses incurred, and an estimate of the amount of money necessary to meet the current expense of the year.

Section 16-26.1-4 allows any city and town to contract with the Rhode Island Vision and Educational Services Program to establish and operate programs for the blind and visually impaired, with each participating city or town to be assessed for the cost of the program.

Section 16-26.1-5 grants the Board of Regents for Elementary and Secondary Education supervision, administration, and control over the Rhode Island Vision and Educational Services Program.

H-7120 SUB A as amended, ARTICLE 19

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: §§ 16-7-23 and 16-7-29 of Title 16, Chapter 7 of the General Laws entitled "Foundation Level School Support"
§§ 16-7.1-5, 16-7.1-15, 16-7.1-11.1, and 16-7.1-19 of Title 16, Chapter 7.1 of the General Laws entitled "The Rhode Island Student Investment Initiative"
§ 16-64-1.1 of Title 16, Chapter 64 of the General Laws entitled "Residence for Children for School Purposes"
§ 16-22-23 of Title 16, Chapter 22 of the General Laws entitled "Mathematics, English/Language Arts, and Science"
§ 16-25.3-2 of Title 16, Chapter 25.3 of the General Laws entitled "School Speech and Language Pathologists"
§ 16-77.1-2 of Title 16, Chapter 77.1 of the General Laws entitled "Funding of Charter Public Schools"

SUMMARY:

This provision of the FY 2007 budget amends § 16-7-23 by removing the provision that for FY 2005 the amount each community shall contribute to its school committee shall not be less than provided for FY 2003.

This budget provision amends § 16-7-29 so that any salary supplement required under § 16-25.3-2 will not be considered a step for purposes of the salary schedule required by this section.

This budget provision also amends § 16-7.1-5(b) so that it concerns FY 2007 rather than FY 2006.

This budget provision amends § 16-7.1-15(a) by replacing *FY 2005* with *FY 2006* (regarding the maximum funding levels) and adding a provision that, for FY 2007, the reference year for the data used in the calculation of aid pursuant to §§16-7.1-8, 16-7.1-9, 16-7.1-10, 16-7.1-11, 16-7.1-12, and 16-7.1-16 shall be FY 2004. In subsection (d), *FY 2006* is replaced with *FY 2007* and the total aid to each community is been increased from the FY 2006 amounts.

This budget provision amends §§ 16-7.1-11.1 and 16-7.1-19 by adding new subsections that set the level of aid received pursuant to each section for FY 2007 equal to that received in the FY 2006 enacted budget.

This provision of the FY 2007 budget also amends § 16-64-1.1(b)(1) so that DCYF's annual notification to the Department of Elementary and Secondary Education of the number of group home or other residential facility beds in each Rhode Island city or town will now include an estimate of the number of beds in each city or town that are projected to be licensed by DCYF between July 1 and December 31 of each year. Subsection (b)(3) now provides that each city or town shall receive an additional per pupil rate for beds certified by DCYF as licensed between July 1 and December 31 of each year. A new subsection (b)(5) is added, which mandates aid received pursuant to this section for FY 2007 to be equivalent to that received in the FY 2006 enacted budget, but communities may, pursuant to subsection (b)(3), petition in FY 2007 for additional aid based upon an increase of more than 5 beds subsequent to the passage of the FY 2006 budget.

This provision changes the title of Title 16, Chapter 22 from *Mathematics and English-language arts* to *Mathematics, English/Language Arts, and Science*. Section 16-22-23 is amended by adding a provision in subsection (a) which requires the Board of Regents for Elementary and Secondary Education to select and/or develop a statewide curriculum in Science for students in grades K through 12 by August 12, 2008. Subsection (c) has been amended so that the Commissioner for Elementary and Secondary Education must prepare an outline for development and implementation of the science curriculum and convene a Science Curriculum Advisory Committee by November 1, 2006.

This provision of the FY 2007 budget amends § 16-25.3-2 by creating a new subsection (e), which entitles any licensed speech language pathologist who has a Certificate of Clinical Competence from the American Speech-Language-Hearing Association and is employed by a school district to receive an annual salary supplement of $1750, in addition to any other compensation to which he/she is entitled, so long as documentation of the Certificate is submitted to the Department of Education and the local school district by December 1 of the year prior to that in which the speech language pathologist wishes to collect the supplement. For the 2007 school year, documentation must be submitted by October 1 in order to be eligible to receive the supplement in that school year. A new subsection (f) provides that the state will reimburse local school departments for costs attributable to these supplements.

This budget provision also amends § 16-77.1-2 by adding a new subsection (h), which sets the amount of indirect aid paid to districts pursuant to this section for FY 2007 equal to the amount received in the enacted FY 2006 budget.

YOUTH

S-2990 SUB A as amended & H-7620 SUB A as amended

Introduced by: Senators: Pichardo, Connors, Roberts, Issa, Gallo
Representatives: Pacheco, Uci, Story, Melo, Fox

General Law: §§ 22-19-1, 22-19-2, and 22-19-3 of Title 22, Chapter 19 of the General Laws entitled "Commission on Youth"

SUMMARY:

This Act creates Chapter 19 and its concomitant sections.

Section 22-19-1 creates a permanent commission to represent the youth of Rhode Island. The purpose of the commission is to provide consultation with the Legislative Branch concerning matters of concern and interest to youth.

Section 22-19-2 states that the commission shall be composed of fourteen (14) members who will be drawn from a diversity of backgrounds, ethnicity, financial positions, gender, and living area. This section specifies that appointments are to be made as follows: 5 members by the speaker of the house, 2 members by the house minority leader, 5 members by the president of the senate, and 2 members by the senate minority leader.

Section 22-19-3 provides that issues and legislative proposals concerning youth shall be brought before and examined by the commission so that the commission may provide input and advice.

ADOPTION

S-2801 SUB A & H-7308 as amended

Introduced by: Senators: DaPonte
Representatives: Shanley, San Bento, Lewiss, Schadone

General Law: § 15-7-17 of Title 15, Chapter 7 of the General Laws entitled "Adoption of Children"

SUMMARY:

This Act amends § 15-7-17 so that, although adopted children do not lose the right of inheritance from their natural parents, administrators/executors/trustees shall not be liable to unknown adopted children for inadvertently failing to provide for them in administrating the estates and trusts of the natural parents.

H-6723 as amended

Introduced by: Representatives: Moran, Williams, Ucci, Kilmartin

General Law: § 23-3-15.1 of Title 23, Chapter 3 of the General Laws entitled "Vital Records"

SUMMARY:

This Act creates § 23-3-15.1, subsection (a) of which states that a child who has automatically acquired US citizenship following a foreign adoption and possesses a certificate of citizenship in accordance with the Child Citizenship Act is exempt from the requirements of judicial procedures and reports to acquire a new birth certificate. Subsection (b) directs the state registrar of vital records, upon written request, to prepare a Certificate of Foreign Birth for such a child upon production of: (1) a certificate of citizenship, (2) a foreign birth certificate, (3) original documents certified by the US Embassy abroad, (4) a permanent US identification card, and (5) a social security card.

HOUSING

H-7120 SUB A as amended, ARTICLE 3

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

SUMMARY:

This provision of the FY 2007 budget appropriates $300,000 for the second year of the Supportive Services Pilot Program, which helps the homeless obtain and maintain permanent housing. This amount is melded into the Housing Resources Commission's budget of $3,629,496.

H-7120 SUB A as amended, ARTICLE 7

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

SUMMARY:

Section 3 of this FY 2007 budget provision provides for $7.5 million in borrowing for the Neighborhood Opportunities Program for the development of 200 new affordable housing rental units.

LICENSING AND CERTIFICATION

H-7120 SUB A as amended, ARTICLE 23

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 31-3-6.2 of Title 31, Chapter 3 of the General Laws entitled "Registration of Vehicles"

SUMMARY:

The only relevant modification by this provision of the FY 2007 budget is that *cash assistance benefit overpayments* has been added to the list of items which, if an individual refuses or neglects to pay, may prevent renewal of his/her operator's license and/or registration.

H-7394 SUB A

Introduced by: Representatives: San Bento, Lewiss, Church, Jacquard, Pacheco

General Law: § 23-27.3-128.6 of Title 23, Chapter 27.3 of the General Laws entitled "State Building Code"

SUMMARY:

This Act amends § 23-27.3-128.6. by enumerating the original text as subsection (a) and adding a new subsection (b), which allows an owner who has plans and specifications for repetitive one (1) and two (2) family dwelling construction to refer the review of such plans to the Office of the State Building Code Commissioner for building code approval. All communities are required to accept such approved plans without further review until the approval is revoked by the State Building Code Commissioner. The Building Code Standards Committee may also establish a list of private sector certified plan reviewers to review such plans and the Committee shall establish rules and regulations for this certification procedure. The owner will not be charged for the review of such plans for building code compliance by all and any communities charging a separate fee for such review.

H-7403

Introduced by: Representatives: San Bento, Lewiss, Church, Jacquard, Pacheco

General Law: § 23-27.3-128.5.2 of Title 23, Chapter 27.3 of the General Laws entitled "State Building Code"

SUMMARY:

This Act amends § 23-27.3-128.5.2 by designating the original text as subsection (a) and adding a new subsection (b), which allows the building official, in the case of one (1) and two (2) family dwellings only, to waive a detailed department field inspection if a qualified private sector inspector certifies that 1) the construction work will be built under his/her field observations and in accordance with approved contract documents; 2) he/she will certify to the best of his/her knowledge information and belief that the construction is in substantial accordance with the documents; and 3) he/she will submit a report in compliance with § 23-27.3-128.2.3. A new subsection (c) requires the Building Code Standards Committee to establish rules and regulations for certification of private sector inspectors.

HUMAN SERVICES

H-7120 SUB A as amended, ARTICLE 32

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: §§ 40-5.1-8, 40-5.1-9, and 40-5.1-19 of Title 40, Chapter 5.1 of the General Laws entitled "Family Independence Act"

SUMMARY:

This provision of the FY 2007 budget amends § 40-5.1-8, which pertains to eligibility for the cash assistance program, so that subsection (d)(1) now includes any time receiving family cash assistance in any other state or territory, including TANF funds and/or family cash assistance provided under any similar program, in the computation of an individual's 60 month maximum for cash assistance. Subsection (d)(2) has been amended so that any month in which the individual was a parent employed an average of 30 or more hours per week in a single parent family or an average of 35 or more hours in a two parent family is now added to the disregarded months. A new subsection (h) has been added, which requires as a condition of eligibility for cash assistance that the parent(s), unless exempt, enter into an individual employment plan in accordance with §40-5.1-9(c). The new requirement applies to new applicants on or after July 1, 2006 and to current recipients at the time of their next re-determination of eligibility after July 1, 2006.

This Act amends § 40-5.1-9 by changing subsection (c) so that for all cash assistance applications filed on or after July 1, 2006, and for all current recipients at the time of their next re-determination of eligibility on or after July 1, 2006, the department shall develop a family financial plan and, unless the parent is exempt from work, the department and the parent shall jointly develop and enter into an individual employment plan within 30 days of the filing of an application for assistance. Subsection (c)(2)(i)(I)(ii) has been modified so that at least 20 of the hours required by that subsection shall be in activities designed to help the parent obtain or maintain unsubsidized employment or increase the parent's earning potential. Job searches are now restricted to four (4) weeks and are supervised.

This Act also amends § 40-5.1-19, subsection (b), so that a family who becomes ineligible for cash assistance payments on account of excess earnings from employment shall continue to be eligible for medical assistance through RIte Care or RIte Share for twelve (12) months rather than the previously allowed eighteen (18) months.

EMPLOYMENT

S-2112 & H-6718

Introduced by: Senators: DaPonte, Ruggierio, Ciccone, Paiva-Weed, Raptakis
Representatives: Lima, Moura, Slater, Almeida, Diaz

General Law: § 28-12-3 of Title 28, Chapter 12 of the General Laws entitled "Minimum Wages"

SUMMARY:

This Act amends § 28-12-3 by adding a new subsection (c), which sets the minimum wage at $7.10 per hour beginning March 1, 2006, and a new subsection (d), which sets the minimum wage at $7.40 per hour beginning January 1, 2007.

H-6759

Introduced by: Representatives: Moura, Faria

General Law: § 28-3-14 of Title 28, Chapter 3 of the General Laws entitled "Employment of Women and Children"

SUMMARY:

This Act amends § 28-3-14 by changing meal and break requirements so that all employees are entitled to a 20 minute mealtime within a 6 hour work shift and a 30 minute mealtime within an 8 hour work shift, for which the employees need not be compensated by their employer. This provision does not apply to an employer that is a licensed health care facility or an employer with less than 3 people on any shift at the worksite.

H-7120 SUB A as amended, ARTICLE 28

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 30-6-5 of Title 30, Chapter 6 of the General Laws entitled "Pay and Allowances"

SUMMARY:

This Act creates § 30-6-5, which sets out eligibility requirements which may qualify employees of a state agency for a military pay differential if they are members of the National Guard or a Reserve component of the US Armed Forces and are currently called-up for active duty.

CRIMINAL OFFENSES

S-2188 SUB A

Introduced by: Senators: Walaska, Ruggerio, Bates, Doyle, P Fogarty

General Law: § 39-2-24 of Title 39, Chapter 2 of the General Laws entitled "Duties of Utilities and Carriers"

SUMMARY:

This Act creates § 39-2-24 which, after defining terms in subsection (a), prohibits any person from: 1) knowingly procuring, attempting to procure, solicit or conspire to produce a telephone record of any Rhode Island resident without the authorization of the customer; 2) knowingly selling or attempting to sell a telephone record of a Rhode Island resident without the authorization of the customer; and 3) receiving a telephone record of any Rhode Island resident with the knowledge such record has been obtained without the authorization of the customer or by fraudulent, deceptive or false means. The prohibition does not apply to a person acting pursuant to a valid court order or warrant, or pursuant to Chapter 21.1 of Title 39. Subsection (d) provides that this section does not prohibit a phone company from obtaining, using, disclosing or permitting access to any telephone record 1) as otherwise authorized by law; 2) with the lawful consent of the customer; 3) as may be necessarily incident to the rendition of the service…; 4) to a governmental entity, if the telephone company reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or 5) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under § 227 of the Victims of Child Abuse Act of 1990.

S-2325

Introduced by: Senators: McCaffrey

General Law: § 11-41-28 of Title 11, Chapter 41 of the General Laws entitled "Theft, Embezzlement, False Pretenses, and Misappropriation"

SUMMARY:

This Act amends § 11-41-28 by reducing the civil liability of an adult, emancipated minor, or store employee to a merchant for larceny or attempted larceny from *not more than three times the full retail value* to *not more than the retail value*. The section is also amended by changing the additional penalty of *not less than one hundred dollars nor more than five hundred dollars* to *not more than one hundred dollars*. The penalty of court costs has not been changed.

S-2326

Introduced by: Senators: C Levesque, Perry

General Law: § 11-25-15 of Title 11, Chapter 25 of the General Laws entitled "Jails and Prisons"

SUMMARY:

This Act amends § 11-25-15 by changing the amount of fines for which a person could be incarcerated at the ACI from *one day for each five dollars* to *one day for each one hundred fifty dollars*, or any fraction of it, of the amount of his/her fines or costs, or both, or of the recognizance required and not furnished.

S-2776 & H-7601

Introduced by: Senators: C Levesque, McBurney, McCaffrey, Polisena
Representatives: Jackson, Sullivan, Church, Moran, Gallison

General Law: § 11-9-9 of Title 11, Chapter 9 of the General Laws entitled "Children"

SUMMARY:

This Act amends § 11-9-9 by adding § 11-9-5.3, Child Abuse ("Brendan's Law"), to the list of violations of which jurisdiction is vested in the superior court.

S-2853

Introduced by: Senators: Connors, Pichardo, DaPonte

General Law: §§ 11-27-3, 11-27-6, 11-27-8 and 11-27-10 of Title 11, Chapter 27 of the General Laws entitled "Law Practice"

SUMMARY:

This Act amends §§ 11-27-3, 11-27-6, 11-27-8 and 11-27-10 so that a lawyer may now share a statutory or tribunal-approved fee award or a settlement with an organization that referred the matter to the lawyer if: 1) the organization is not for profit; 2) the organization is tax-exempt under federal law; 3) the fee award or settlement is made in connection with a proceeding to advance one or more of the purposes by virtue of which the organization is tax-exempt; and 4) the client consents in writing. The sections have also been amended so that such organizations are now exempt from 1) the prohibition on solicitation or procurement of legal services for an attorney; and 2) the prohibition (to those not members of the bar) on furnishing or agreeing to

furnish legal advice, service, or counsel or agreeing to furnish an attorney at law, or advertising to furnish or agree to furnish legal services or advice or the services of an attorney.

H-6924 SUB A as amended

Introduced by: Representatives: Loughlin, Amaral, Lewiss, Long, McNamara

General Law: § 11-37.1-3 of Title 11, Chapter 37.1 of the General Laws entitled "Sexual Offender Registration and Community Notification"

SUMMARY:

This Act amends § 11-37.1-3 by adding a new subsection (d), which requires that a person registered as a sex offender in another state for an offense which would require that person to register as a sex offender in Rhode Island if it had been committed in Rhode Island must, upon moving or returning to this state, register as a sex offender in this state.

H-7040 SUB B as amended

Introduced by: Representatives: Palumbo, Trillo, Giannini, Lima, Lally

General Law: §§ 11-37-8.2.1 and 11-37-8.2 of Title 11, Chapter 37 of the General Laws entitled "Sexual Assault"
§ 11-1-4 of Title 11, Chapter 1 of the General Laws entitled "General Provisions"
§ 11-37.1-6 of Title 11, Chapter 37.1 of the General Laws entitled "Sexual Offender Registration and Community Notification"
§§ 13-8-30, 13-8-32, and 13-8-34 of Title 13, Chapter 8 of the General Laws entitled "Parole"

SUMMARY:

This Act creates § 11-37-8.2.1, which requires electronic monitoring via an active global positioning system for life and as a condition of parole or probation of any person who 1) commits first degree child molestation sexual assault on or after 1/1/07 on a victim aged 12 or younger or who 2) violates the conditions of subdivision 11-37-8.1 on or after 1/1/07 and is deemed a level 3 offender and a child predator or committed the offense in conjunction with circumstances involving kidnapping, torture or aggravated battery, and the victim was aged 14 or younger. This section also renders harboring any offender not complying with these requirements, assisting the offender in eluding law enforcement, or tampering with or damaging monitoring equipment a felony and requires the department of corrections to ensure that a child predator's fingerprints are taken prior to his/her release and forwarded to the Bureau of Criminal Identification within 48 hours after his/her release. Subsection (g) defines *child predator* as *any*

person convicted of any violation of § 11-37-8.1 and who on a prior occasion has been convicted of a violation of § 11-37-8.1 or § 11-37-8.3.

This Act amends § 11-37-8.2 by adding 5 years to the minimum period of imprisonment for first degree child molestation sexual assault so that the minimum is now 25 years rather than 20.

This Act amends the first sentence of § 11-1-4 so that it now beginss: *Except where subsection 11-37-8.2.1(d) applies, every…*

This Act also amends § 11-37.1-6 by changing the number of persons on the Sex Offender Board of Review from 6 to 8 and by adding the Interstate Compact Unit of the Rhode Island Department of Corrections as one of the agencies required to refer offenders to the Sex Offender Board of Review. The numeration of some of the subsections has been adjusted.

This Act amends § 13-8-30 by adding that community supervision for life shall include electronic monitoring via an active global positioning system for persons convicted of first degree child molestation.

This Act amends § 13-8-32, subsection (a), by changing the parole board's time period within which to impose terms and conditions upon a person placed on community supervision from within 30 days *prior to the commencement of community supervision* to within 30 days *of sentencing*. In subsection (b), the board is authorized to impose conditions on an individual basis to ensure public safety, which may include protecting the public from a person committing a sex offense including child molestation or child kidnapping (the subsection previously said *committing a sex offense or child kidnapping*), as well as promoting the rehabilitation of the person. Subsection (b) also has a new provision that a condition of parole requiring sex offender treatment will be at the expense of the offender and will be by a recognized treatment provider in the field to be determined by the board for as long as the board deems necessary. Subsection (c) has changed only to make it clear that the board is authorized to impose and enforce both a supervision and a rehabilitation fee, rather than just one fee for both services.

This Act creates § 13-8-34, which is a severability provision.

DOMESTIC RELATIONS

S-2784

Introduced by: Senators: McCaffrey, Sosnowski, Walaska

General Law: § 15-5-8 of Title 15, Chapter 5 of the General Laws entitled "Domestic Abuse Prevention"
§§ 15-15.1-1 through 15-15.1-10 of Title 15, Chapter 15.1 of the General Laws entitled "The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act"

SUMMARY:

This Act repeals § 15-5-8, which dealt with enforcement of foreign protective orders.

This Act creates Chapter 15.1, The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. Section 15-15.1-1 sets forth the short title of the Act. Section 15-15.1-2 contains the pertinent definitions. Section 15-15.1-3 provides for enforcement of a foreign protection order by a Rhode Island tribunal. Subsection (a) of § 15-15-1.3 states that the court shall enforce the terms of the foreign order, regardless of whether it was obtained by independent action or in another proceeding, and whether it was issued in response to a complaint, petition, or motion filed by or on behalf of the individual seeking protection. Subsection (b) prohibits the court from enforcing a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order. Subsection (c) provides that the court shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements of the issuing state. Subsection (d) states that a foreign protection order is valid if it (1) identifies the protected individual and respondent, (2) is currently in effect, (3) was issued by a tribunal that had jurisdiction over the parties and subject matter, and (4) was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order, or, if ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued. A foreign protection order valid on its face is prima facie evidence of its validity (subsection (e)), and absence of any of the criteria for validity is an affirmative defense in an action seeking enforcement of the order (subsection (f)). Subsection (g) authorizes the court to enforce provisions of a mutual foreign protection order which favor a respondent only if the respondent filed a written pleading seeking a protection order from the tribunal of the issuing state and that tribunal made specific findings in favor of the respondent.

Section 15-15.1-4 sets out a form sufficient for the purposes of filing of certificate or confirmation.

Section 15-15.1-5 authorizes a Rhode Island law enforcement officer, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order

has been violated, to enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and on its face is currently in effect constitutes such probable cause (subsection (a)), but the officer may consider other information in determining whether probable cause exists if such an order is not presented (subsection (b)). Subsection (d) makes clear that registration or filing of the foreign order in Rhode Island is not required for its enforcement in this state.

Section 15-15.1-6 sets forth the process for registering a foreign protection order in this state.

Section 15-15.1-7 provides immunity to the state, local government agency, law enforcement officer, prosecuting attorney, clerk of court, or other state or local government official from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order if such act or omission was done in a good faith effort to comply with this chapter.

Section 15-15.1-8 states that a protected individual who pursues remedies under this chapter is not precluded from pursuing other remedies against the respondent.

Section 15-15.1-9 says that application and construction of this chapter must be done with consideration to the need for uniformity among the states that enact it.

Section 15-15.1-10 sets forth a severability provision.

S-2786 SUB A & H-7336 SUB A

Introduced by: Senators: McCaffrey, Sosnowski, Walaska
Representatives: Corvese, Lewiss, San Bento, Gallison

General Law: Title 15, Chapter 23.1 of the General Laws entitled "Uniform Interstate Family Support Act"

SUMMARY:

This Act amends the sections of Chapter 23.1 by a making numerous major and minor changes to the Uniform Interstate Family Support Act, including word choice changes, grammatical changes, insertion of new sections and deletion of sections. The changes also clarify requirements and modify jurisdictional requirements.

H-7138 SUB B

Introduced by: Representatives: E Coderre, Giannini, Williams, Ajello, Rice

General Law: § 8-8.1-1 of Title 8, Chapter 8.1 of the General Laws entitled "Domestic Assault"
§ 15-15-1 of Title 15, Chapter 15 of the General Laws entitled "Domestic Abuse Prevention"

SUMMARY:

This Act amends § 8-8.1-1 by changing the definition of *domestic abuse* to include acts against a minor child in the custody of the plaintiff.

This Act also amends both § 8-8.1-1 and § 15-15-1 by adding *stalking or cyberstalking* to the list of factors the court is to consider in determining whether domestic abuse is present and by adding definitions of *stalking*, *cyberstalking*, *harassing*, and *course of conduct*.

ALCOHOL

S-2072 SUB A & H-6700 SUB B as amended

Introduced by: Senators: Polisena, Damiani, Algiere, McCaffrey, Sosnowski
Representatives: O'Neill, Ginaitt, Church, Kilmartin, Jackson

General Law: §§ 31-27-2.1 and 31-27-3.1 of Title 31, Chapter 27 of the General Laws entitled "Motor Vehicle Offenses"

SUMMARY:

This Act amends § 31-27-2.1 by amending the penalties for a person who refuses to submit to blood, breath, or urine alcohol tests after being arrested so that: (1) after a first violation the person is fined between $200 and $500, he/she must perform 10 to 60 hours of public community restitution, his/her driver's license is suspended for 6 months to a year, and he/she must attend a special course on driving while intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment; (2) after a second violation within a 5 year period the person is guilty of a misdemeanor, he/she is imprisoned for not more than 6 months, he/she is fined $600 to $1000, he/she must perform 60 to 100 hours of public community restitution, his/her driver's license is suspended for 1 to 2 years, and he/she must attend alcohol and/or drug treatment; and (3) after a third or subsequent violation within a 5 year period the person is guilty of a misdemeanor, he/she is imprisoned not more than 1 year, he/she is fined $800 to $1000, he/she must perform not less than 100 hours of public community restitution, his/her driver's license is suspended for 2 to 5 years, and he/she must attend alcohol or drug treatment. Prior to reinstatement of a license to a person charged with a third or subsequent violation within a 3 year period, a hearing shall be held at which the judge shall review the person's driving record, employment history, family background, and any other pertinent factors that would indicate the person has demonstrated behavior which warrants reinstatement of his/her license.

This Act creates § 31-27-3.1, which provides that the Attorney General, with the cooperation of state and municipal police departments, the District Court, the Traffic Tribunal, and the Department of Transportation, shall annually prepare a written report to the General Assembly identifying all cases where an individual is charged with an offense under § 31-27-1 through § 31-27-2.8 and shall include (a) the number of cases charged and their disposition; (b) the number of cases filed with dual charges of driving under the influence and refusal to submit to a chemical test and their disposition; and (c) whether the driver, passenger, or pedestrian in any charged alcohol or drug related fatality was identified by law enforcement, the medical examiner, or any other entity as being under the influence of alcohol or drugs in the fatal accident.

S-2082 SUB A

Introduced by: Senators: Raptakis, Bates, Walaska, McCaffrey, Damiani

General Law: § 3-5-18 of Title 3, Chapter 5 of the General Laws entitled "Licenses Generally"

SUMMARY:

This Act amends § 3-5-18 by eliminating the posting requirement for liquor licenses which are not Class A licenses.

S-2189 SUB A as amended & H-7071 SUB A

Introduced by: Senators: Felag, Sosnowski, Damiani, Polisena
Representatives: Malik, Rose, Faria, Dennigan, Anguilla

General Law: §§ 3-8-11.1 and 3-8-11.2 of Title 3, Chapter 8 of the General Laws entitled "Regulation of Sales"

SUMMARY:

This Act amends § 3-8-11.1 by changing the title of the section from *Purchase or procurement of alcoholic beverages for underage persons by adults* to *Furnishing or procurement of alcoholic beverages for underage persons*. The original text of the section has been removed, and definitions of *furnish*, *procure*, and *permit* have been added. A new subsection (b) provides that it is illegal for any person 21 and over 1) to purchase alcohol for the sale, delivery, service of or giving away to any person under 21; 2) to purchase alcohol with the intent to cause it to be sold or given to any person under 21; 3) to knowingly furnish alcohol for the sale, delivery, service of or giving to any person under 21; 4) to procure alcohol for the sale, delivery, service of or giving to any person under 21; or 5) to otherwise permit the consumption of alcohol in his/her residence by persons under 21. Subsection (c) has been amended so that the section does not apply to a parent or legal guardian permitting the consumption of alcohol by his/her minor child or ward. Subsection (d) specifies that the penalties for violating this section are set forth in § 3-8-11.2.

This Act amends § 3-8-11.2(a) by providing that any person who violates § 3-8-11.1 and either pleads nolo contendre or is convicted of a first misdemeanor violation shall be punished by a fine of not less than $350 nor more than $1000 and/or imprisoned for a period not exceeding 6 months. Subsection (b) has been amended so that a second misdemeanor conviction or nolo contendre plea is punishable by a fine of not less than $700 nor more than $1000 and/or imprisonment for a period not exceeding 6 months. Subsection (c) now provides that a person who pleads nolo contendre or is convicted a third or subsequent time is guilty of a felony and is punishable by a fine not exceeding $2500 and/or imprisonment not exceeding one (1) year.

S-2194 SUB B

Introduced by: Senators: Felag, Sosnowski, Badeau, Cote, Alves

General Law: § 3-8-16 of Title 3, Chapter 8 of the General Laws entitled "Regulation of Sales"

SUMMARY:

This Act creates § 3-8-16, which allows patrons of establishments with Class B licenses to take the remainder of any bottle of wine purchased at that establishment home with them as long as: 1) the wine was purchased in conjunction with the consumption of a full-course meal consumed on the premises; 2) the license holder re-corks or re-seals the bottle of wine; 3) the license holder places the bottle of wine in a sealed container to prevent re-opening without obvious evidence that the seal was removed/broken; 4) the license holder notes the date of the meal on the container; and 5) no more than one bottle is removed at any one time. A patron transporting such bottle of wine is not subject to the provisions of § 31-22-21 so long as the patron places the container in the trunk of the vehicle or, if the vehicle does not have a trunk, behind the last upright seat in the rear of the vehicle and the patron does not remove or break the seal while transporting the wine bottle.

S-2480 SUB A

Introduced by: Senators: Goodwin

General Law: § 3-7-4.1 of the General Laws in Chapter 3-7 entitled "Retail Licenses"

SUMMARY:

This Act amends § 3-7-4.1 by changing the amount of wine and beer samples the holder of a Class A license is permitted to hand out from *two* to *four* wine products at any one tasting and from *two* to *one* ounce servings of each beer, with the number of beer samplings now being limited to two *products* rather than two *brands*. Conducting beer and wine samplings simultaneously on the same Class A licensed premise is now prohibited. The number of tasting events allowed in any thirty day period is raised from *eight* to *ten* and the licensee is now required to provide training in the service of alcoholic beverages to anyone who will be dispensing the samples. The amendment also makes it unlawful for any wholesaler, manufacturer, supplier, etc. to participate or provide anything or any service of value for or with the sampling. Samplings must not exceed four hours and must be conducted during normal business hours.

H-7893 as amended

Introduced by: Representatives: Almeida

General Law: § 3-7-19 of Title 3, Chapter 7 of the General Laws entitled "Retail Licenses"

SUMMARY:

This Act amends subsection (d)(6) of § 3-7-19 by providing an exception to the requirement that retail Class B, C, and I licenses not be issued for a building within 200 feet of any school or place of public worship for any proposed retailer Class B license intended to be located on lot 21 plat 49 (of Rhode Island tax assessors map) and any proposed retailer class BV license intended to be located on lots 3 and 5 plat 35 (of Providence tax assessor's map) as of 12/31/2003.

STATE AFFAIRS AND GOVERNMENT

S-2423 & H-7587

Introduced by: Senators: Breene
Representatives: Watson

General Law: §§ 15-23.1-906 and 15-23.1-908 of Title 15, Chapter 23.1 of the General Laws entitled "Uniform Interstate Family Support Act"
§§ 15-30-1 and 15-30-2 of Title 15, Chapter 30 of the General Laws entitled "Legal Representation in Child Support Cases"

SUMMARY:

This Act repeals §§ 15-23.1-906 and 15-23.1-908.

This Act creates Chapter 30 entitled "Legal Representation in Child Support Cases" and its concomitant sections, §§ 15-30-1 and 15-30-2.

Subsection (a) of § 15-30-1 provides that DHS attorneys represent only the department, not the interests of any individual person, and an attorney-client relationship is not formed between department attorneys and any person or entity other than the department. The obligee, obligor, and child are free to obtain the services offered by the department and are free to retain the services of a private attorney, but the department is not required to provide the private attorney or reimburse the costs associated with private representation. Subsection (b) provides that DHS has the power of attorney to act in the name of any obligee to endorse and cash any drafts, checks, money orders, or other negotiable instruments received by the department on behalf of a child. Subsection (c)(1) provides that, if the department is providing IV-D services, the department must be afforded notice and an opportunity to participate as an independent party in any proceeding relating to paternity or to establishment, enforcement or modification of a support or medical obligation. Subsection (d) states that the required notice, which is informational only, must reasonably inform the department of the issues to be determined in the proceeding, the names of the parties and the child, and the identity and location of the tribunal in which the issues will be determined. If no notice is given, any agreement/judgment/decree/order is void as to any interest of the department which it does or may effect.

Section 15-30-2 provides that: (a) the department may take action to establish paternity or to establish, enforce, and modify child support orders if the department receives a referral from FIP or DCYF, receives an interstate referral under the Uniform Interstate Family Support Act, and receives an application from a custodial parent, non-custodial parent, guardian, or the child, provided that all applicants receive a rights & responsibilities statement and a disclosure of representation statement, and sign an acknowledgement of non-representation prior to services being rendered.

S-2347 SUB B & H-6782 SUB A

Introduced by: Senators: Tassoni, Doyle, McBurney
Representatives: Gemma, Jacquard, Lima, Schadone, O'Neill

General Law: § 42-61.2-12 of Title 42, Chapter 61.2 of the General Laws entitled "Video Lottery Terminal"

SUMMARY:

This Act creates § 42-61.2-12, which requires the state lottery to 1) establish rules and regulations providing for the establishment and operation of a system whereby it can identify a person entitled to receive a prize requiring the issuance of IRS Form W-2G who has unpaid child support order(s) arrearage(s) in excess of five hundred ($500) dollars; and 2) set off against the amount due that person an amount up to the balance of the arrearage(s), then pay the retained amount to the Rhode Island Family Court, which shall deposit the amount into the registry of the family court for 45 days or until final disposition of any application of review that has been filed, or until further order of the court. Subsection (2) discharges the division of lottery, the lottery director and the video lottery retailer of all further liability upon payment of a prize pursuant to this section and, except in cases of gross negligence, are not liable to any party or person for failure to make such a set-off. Subsection (3) requires DHS to periodically within each year furnish the director of the lottery with a list of names and other identifying information of individuals with unpaid child support arrearage in excess of five hundred dollars.

S-2903 SUB B as amended

Introduced by: Senators: Walaska, Sosnowski, Paiva-Weed, J Montalbano, Lenihan

General Law: Title 22, Chapter 7.10 of the General Laws entitled "General Assembly"
Title 39, Chapter 1 of the General Laws entitled "Public Utilities Commission"

SUMMARY:

This Act amends the Comprehensive Energy Conservation, Efficiency and Affordability Act of 2006, which facilitates the development of renewable energy resources, makes the cost of energy more affordable by mitigating demand and rates charged to low-income households, and strengthens energy planning, program administration, management, and oversight. The Act establishes the state Office of Energy Resources and a new Energy Efficiency and Resources Management Council to provide stakeholder involvement in decision-making processes. A Permanent Joint Committee on Energy was also established to provide oversight of energy issues and develop any necessary refinements and changes in law.

S-3201 & H-8256

Introduced by: Senators: Pichardo, Connors, Lanzi, DaPonte
Representatives: Naughton, McNamara, Kilmartin

General Law: § 42-35-3 of Title 42, Chapter 35 of the General Laws entitled "Administrative Procedures"

SUMMARY:

This Act amends § 42-35-3 by changing the expiration date of the authorization for electronic notice of proposed rulemaking by the Department of Health from June 30, 2006 to June 30, 2010.

H-7120 SUB A as amended, ARTICLE 38

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: §§ 42-7.2-1 through 42-7.2-15 of Title 42, Chapter 7.2 of the General Laws entitled "Office of Health and Human Services"

SUMMARY:

This provision of the FY 2007 budget creates Chapter 7.2, which statutorily codifies the Executive Office of Health and Human Services, which has been operating under Executive Order since March of 2004, to facilitate cooperation and coordination among the Department of Human Services, the Department of Health, the Department of Mental Health, Retardation and Hospitals, the DCYF, and the Department of Elderly Affairs. The chapter codifies in the state's general laws the purposes and responsibilities of the office and the administrator of the office, the Secretary of Health and Human Services.

S-7321

Introduced by: Representatives: Gallison, Anguilla, Lewiss, San Bento, Corvese

General Law: § 42-46-5 of Title 42, Chapter 46 of the General Laws entitled "Open Meetings"

SUMMARY:

This Act amends § 42-46-5(8)(b) so that all hearings of the various juvenile hearing boards of any municipality are included in the exceptions to the open meetings requirements.

TAXATION

S-2713 SUB A & H-7804 SUB A

Introduced by: Senators: Perry, Sosnowski, Pichardo, C Levesque, Roberts
Representatives: Fox, Gemma, Moura, Costantino, Ajello

General Law: § 28-48-1 of Title 28, Chapter 48 of the General Laws entitled "Rhode Island Parental and Family Medical Leave Act"
§ 36-12-2.4 of Title 36, Chapter 12 of the General Laws entitled "Insurance Benefits"
§ 44-30-12 of Title 44, Chapter 30 of the General Laws entitled "Personal Income Tax"

SUMMARY:

This Act amends § 28-48-1 by changing the definition of *family member* with respect to state employees to include domestic partners.

This Act amends § 36-12-2.4 by providing that, for purposes of fulfilling any employer obligations under COBRA, a domestic partner shall be deemed a dependent of an employee.

This Act amends § 44-30-12 by including a domestic partner as a dependent for purposes of money deemed taxable income to the taxpayer due to payment or provision of insurance benefits to a dependent.

S-3050 SUB A as amended

Introduced by: Senators: Paiva-Weed, J Montalbano, Alves, Lenihan, Felag

General Law: § 44-5-2 of Title 44, Chapter 5 of the General Laws entitled "Levy and Assessment of Local Taxes"
§§ 44-35-3 and 44-35-6 of Title 44, Chapter 35 of the General Laws entitled "Property Tax and Fiscal Disclosure - Municipal Budgets"
§ 44-45-2 of Title 44, Chapter 45 of the General Laws entitled "Omnibus Property Tax Relief and Replacement Act"
§ 45-2-3.2 of Title 45, Chapter 2 of the General Laws entitled "General Powers"
§ 16-2-21 of Title 16, Chapter 2 of the General Laws entitled "School Committees and Superintendents"
§§ 45-13-7, 45-13-8, 45-13-9 and 45-13-11.1 of Title 45, Chapter 13 of the General Laws entitled "State Aid"

SUMMARY:

This Act amends § 44-5-2 so that through and including FY 2007, the tax levied by a city or town in excess of the previous year's tax levied is capped at 5.5% (subsection (a)). Subsection (b) provides a 5.25% cap for FY 2008, a 5% cap for FY 2009, a 4.75% cap for FY 2010, a 4.5% cap for FY 2011, a 4.25% cap for FY 2012, and a 4% cap for FY 2013 and every fiscal year thereafter. What was previously subsection (b) is now subsection (c), with no change in text. What was previously subsection (c) is now subsection (d) and has been amended to provide that the amount levied by a city or town may exceed the percentage increase as specified in subsection (a) or (b) if the city or town (1) forecasts or experiences a loss in total nonproperty tax revenues and the loss is certified by the Department of Administration; (2) experiences or anticipates an emergency situation which causes or will cause the levy to exceed the specified percentage increase and the city or town notified the auditor general who certified the existence of the emergency (health insurance costs, retirement contributions or utility expenditures which exceed the prior FY's costs by more than 3 times the specified percentage increase constitutes an emergency); (3) forecasts or experiences debt service expenditures which exceed the prior year's debt service expenditures by an amount greater than the specified percentage increase and which are the result of bonded debt issued in a manner consistent with general law or a special act and of which the town or city notified the Department of Administration and that department certified the debt service increase; (4) experiences substantial growth in its tax base as the result of major new construction which necessitates either significant infrastructure or school housing expenditures or a significant increase in the need for essential municipal services and such increase in expenditures or demand for services is certified by the Department of Administration. Subsection (e), previously subsection (4), provides that any levy pursuant to subsection (d) in excess of the specified percentage increase must be voted approved by at least 4/5 of the full membership of the governing body of the city or town and, if the town or city has a financial town meeting, by the majority of electors present and voting at that meeting also approving the excess levy. What was previously subsection (d) is now subsection (f), but there has been no change in that text.

This Act amends § 44-35-3 by changing the definition of *adjusted current property tax rate* to mean *the maximum levy authorized by section 44-5-2 of the general laws*.

This Act amends § 44-35-6 by changing the previous reference to 5.5% to *the maximum levy authorized by section 44-5-2 of the general laws*.

This Act amends § 44-45-2, subsection (4), by adding that theGeneral Assembly remains committed to the objective of gradually increasing the state educational operations aid formula until the state and municipalities equally share the cost of providing local education. Subsection (6) is changed so that reference to the previous 5.5% cap is changed to a cap in accordance with § 44-5-2.

This Act creates § 45-2-3.2, which provides that, unless otherwise provided by a city or town charter, in an emergency caused by the city or town's failure to approve an annual appropriation measure, the same amounts appropriated in the previous FY shall be available for each department and division and expenditures for payment of bonded indebtedness and interest shall be in such amounts as may be required, regardless of whether or not an annual appropriation ordinance is enacted.

This Act also amends § 16-2-21 by adding a new subsection (d), which prohibits the budget adopted and presented by any school committee for each listed fiscal year from proposing appropriation of municipal funds in excess of a certain percentage of the previous year's appropriations for school purposes so that: (i) for FY 2008 the proposal is not more than 105.25% of the total municipal funds appropriated for school purposes for FY 2007; (ii) for FY 2009 the proposal is not more than 105% of the total municipal funds appropriated for school purposes for FY 2008; (iii) for FY 2010 the proposal is not more than 104.75% of the total municipal funds appropriated for school purposes for FY 2009; (iv) for FY 2011 the proposal is not more than 104.5% of the total municipal funds appropriated for school purposes for FY 2010; (v) for FY 2012 the proposal is not more than 104.25% of the total municipal funds appropriated for school purposes for FY 2011; (vi) for FY 2013 and every year thereafter the proposal is not more than 104% of the total municipal funds appropriated for school purposes for FY 2012. A new subsection (e) requires that any judgment rendered pursuant to § 16-2-21.4(b) consider the percentage caps on school district budgets set forth in subsection (d) of this section.

This Act amends the definition of *state mandate* in 45-13-7 to include a rule, regulation or policy adopted by a state department or agency or a quasi-public department or agency, then adds that terminology throughout.

This Act amends § 45-13-8(d) so that the required report to the Governor and General Assembly recommending the modification or repeal of existing state mandates deemed inappropriate or obsolete be prepared by the Rhode Island Office of Municipal Affairs in consultation and cooperation with the affected state agencies, the Rhode Island League of Cities and Towns, and the Rhode Island Association of School Committees.

This Act also amends § 45-13-9 by changing the section's title to *Reimbursement to cities and towns and school districts for the costs of state mandates*. Subsection (a) has been amended so that the yearly report by each city and town of the cost of state mandates must be submitted to the budget office by October 1 rather than September 1.

This Act also creates § 45-13-11.1, which states that the provisions of §§ 45-13-6 through 45-3-10 of this chapter may be excused, avoided, or suspended only by law enacted by the affirmative vote of 3/5 of the full membership of each house of theGeneral Assembly.

H-7120 SUB A as amended, ARTICLE 20

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 5-76-4 of Title 5, Chapter 76 of the General Laws entitled "Issuance of License Upon Payment of Taxes"

SUMMARY:

This provision of the FY 2007 budget amends § 5-76-4, which provides for non-renewal of a license issued by any agency for tax neglect/delinquency, by removing the requirement that the tax administrator make his determination of tax neglect/delinquency within ninety (90) days prior to the renewal date of a license issued by any agency. There is now no time limitation for when the delinquency determination must be made.

H-7120 SUB A as amended, ARTICLE 30

Introduced by: Representatives: Watson, Mumford, Gorham, Savage, Ehrhardt

General Law: § 44-30-98 of Title 44, Chapter 30 of the General Laws entitled ""Personal Income Tax"

SUMMARY:

Section 6 of this provision of the FY 2007 budget amends § 44-30-98 so that fifteen percent (15%) of the excess Rhode Island earned income credit will be refunded for the 2006 taxable year, and each taxable year thereafter, rather than ten percent (10%).

APPENDIX

DEPARTMENT OF CHILDREN, YOUTH, AND FAMILY RULE CHANGES

Policy 700.0170

Title: Implementing the Indian Child Welfare Act
Revised: December 29, 2006
Version: 2

SUMMARY:

The revised rule reflects the principles of family centered practice and ensures services provided to Indian families are culturally relevant and consistent with the mandates of the Indian Child Welfare Act (PL 95-608), which sets guidelines for the individual states to follow in handling child welfare cases involving Indian children.

The sections *Identification of Indian Children*, *Court Involvement*, and *Placement of an Indian Child in a Placement Resource or Pre-adoptive Home* have been completely re-written and a new section, *Emergency Placement* has been added to the procedures.

Section A of the rule, *Identification of Indian Children*, now requires a determination of whether there is any Indian heritage in the family during the preliminary stages of a Child Protective Services investigation, which determination must be documented in RICHIST. If there is Indian heritage in the family, the Indian child's name, date of birth, birthplace, the parents' names, dates of birth, and birthplaces, and the Indian child's tribal affiliation must immediately be forwarded to DCYF legal counsel, which will then notify the Indian child's parents and tribe of the pending proceedings and their right of intervention.

Section B, *Court Involvement*, sets out the procedures to follow when there is a Family Court Hearing for the foster placement or the termination of parental rights of an Indian child, both for voluntary and involuntary placement.

Section C, *Emergency Placement*, allows an Indian child at risk of physical harm to be removed from the home on an emergency basis for his/her protection but, as soon as the child is placed, the procedures regarding placement of an Indian child in section D must be followed.

Section D, *Placement of an Indian Child in a Placement Resource or Pre-Adoptive Home*, sets forth the procedures for selection of a placement resource and selection of an adoption home. The following order of preference is provided for selection of a placement resource: (i) a member of the Indian child's extended family; (ii), a foster home licensed, approved or specified by the Indian child's tribe; (iii) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; (iv) an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs. The following order of preference is provided for selection of an adoptive home: (i) a member of the

Indian child's extended family; (ii) other members of the Indian child's tribe; (iii) other Indian family; (iv) non-Indian family. Deviation from the order of preferences is allowed only when DCYF can show good cause and a final determination is made by the Family/Tribal Court.

Policy 700.0230

Title: Early Intervention Referral Process for Children Involved with DCYF
Effective: December 29, 2006
Version: 1

SUMMARY:

This new rule requires all children under the age of three (3) who are victims in an indicated case of child abuse or neglect and have a single established condition for a disability to be referred to Early Intervention services for a screening conducted in compliance with the federal Child Abuse Prevention and Treatment Act (PL 108-36).

Policy 700.0155

Title: Collaboration Between DCYF and DHS to Improve Services for Dual-System Families
Revised: December 29, 2006
Version: 2

SUMMARY:

This revised rule reflects how DCYF and DHS will collaborate to provide services to dual-system families (families receiving services from DCYF and DHS at the same time). Workers from each department will collaborate on the delivery of casework services and coordinate activities required of parents in their DHS Family Independence Program Employment Plans and DCYF Service Plans. This collaboration is supported by Rhode Island General Laws §§ 40-5.1-2, 42-72-25 and 14-1-59.

Section A of the revised rule sets forth the procedures for identifying a dual-system family, and section B sets forth the procedures for working with a dual-system family.

Policy 500.0000

Title: Reporting Child Abuse and/or Neglect
Revised: December 29, 2006
Version: 4

SUMMARY:

The rule has been revised so that the definition of *person responsible for child's welfare* now includes *any individual, eighteen (18) years of age or older, who resides in the home of a parent or guardian and has unsupervised access to a child*. The change was made in compliance with Rhode Island General Laws § 40-11-2.

Policy 700.0030

Title: Foster Care Review
Revised: December 29, 2006
Version: 4

SUMMARY:

The rule, previously titled *Case Plan Review*, was completely re-written to reflect current law and principles of Family Centered Practice. The revised rule stresses a permanency goal for each child in out of home placement and sets forth the procedures for DCYF's Foster Care Review system to independently evaluate the safety, well being and progress toward permanency for each child in out of home placement no less frequently than in 6 month intervals until permanency is achieved.

Policy 500.0010

Title: Criteria for a Child Protective Services Investigation
Revised: December 29, 2006
Version: 4

SUMMARY:

The revised rule requires DCYF to initiate a Child Protective Services investigation when a report that meets one of the five investigation Criteria outlined below is made to DCYF's Child Protective Services Hotline and the report contains the following elements: 1) harm or substantial risk of harm to the child (under 18 or under 21 years of age if in DCYF placement or DCYF custody); 2) a specific incident or pattern of incidents suggesting child abuse and/or neglect can be identified; and 3) a person responsible for the child's welfare (defined by Rhode Island General Laws § 40-11-2) has allegedly abused or neglected the child.

Investigation Criteria 1: Child Abuse/Neglect (CA/N) Report: RIGL § 40-11-3 requires DCYF to immediately investigate reports of child abuse and neglect when the circumstances, if true, constitute child abuse/neglect as defined by Rhode Island General Laws § 40-11-2 and there is reasonable cause to believe that abuse/neglect circumstances exist.

Investigation Criteria 2: Non-Relative Caretaker: Rhode Island General Laws §42-72-1.4 requires that no parent shall assign or otherwise transfer to another, not related to him/her by blood or marriage, his/her rights or duties with respect to the permanent care and custody of his/her child under eighteen (18) years of age unless duly authorized by an order or decree of the court.

Investigation Criteria 3: Sexual Abuse of a Child by Another Child: Rhode Island General Laws § 40-11-3 requires DCYF to immediately investigate sexual abuse of a child by another child.

Investigation Criteria 4: Duty to Warn: Rhode Island General Laws § 42-72-8 allows DCYF to release information if it is determined that there is a risk of physical injury by a person to himself/herself or others and that disclosure of the records is necessary to reduce that risk. If the Hotline receives a report that a perpetrator of sexual abuse or serious physical abuse has access to another child in a family dwelling, that report is classified as an investigation and assigned for investigation.

Investigation Criteria 5: Alert to Area Hospitals-Safety of Unborn Child: DCYF will issue an alert to area hospitals when a parent has a history of substantiated child abuse/neglect or a child abuse/neglect conviction and there is concern about the safety of a child and will investigate when the Hotline receives a response to the alert upon the birth of the child.

Policy 500.0040

Title: Information/Referral (I/R) Reports
Revised: December 29, 2006
Version: 3

SUMMARY:

The revised rule provides a process for handling a report made to the Child Protective Services Hotline that contains a concern about the well-being of a child but does not meet the criteria for an investigation.

Section B lists examples of Information Referral Reports, such as bruises with no suspicion or history of abuse or neglect, children not using seat belts or car seats in moving vehicles, children age eleven (11) or older left unsupervised during the daytime or early evening, custody issues related to domestic disputes, etc.

Section C provides that if there is a history of DCYF involvement, the Hotline Child Protective Investigator is to review the report with the Hotline Supervisor to determine whether or not to initiate a Child Protective Services investigation.

Section D states that an Information/Referral Report is to be documented in RICHIST by the Hotline Child Protective Investigator.

Section E sets out requirements regarding whom is to be notified and how of the Information/Referral Report.

Section F authorizes a referral to be made to Child Protective Services Intake for an Information/Referral Report relating to a case that is not active with DCYF and does not meet the criteria for a Child Protective Services investigation but appears to have a service need.

DEPARTMENT OF HUMAN SERVICES RULE CHANGES

Code 0300.25.05 & Code 0304.05

Title: Technical Eligibility Requirements Overview
Requirements of Citizenship/Alienage
Effective: July 1, 2006

SUMMARY:

This rule has been amended by adding proof of citizenship to the eligibility requirements for the Rhode Island Medical Assistance Program. Technical eligibility requirements for the program now include citizenship, residence and possession of, or application for, a social security number. The change became effective 7/1/06, and was promulgated to conform with the federal Deficit Reduction Act of 2005. New applicants will now have to submit verification of both citizenship and identity at the time of application for benefits, and those re-applying will have to submit such information at the time of redetermination. Non-compliance will result in denial or termination of medical assistance benefits.